

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK**

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IN RE PAYMENT CARD
INTERCHANGE FEE AND
MERCHANT DISCOUNT
ANTITRUST LITIGATION

PRETRIAL ORDER 8
MDL 05-1720 (JG) (JO)

This document refers to: ALL ACTIONS
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JAMES ORENSTEIN, Magistrate Judge:

1. The parties are working cooperatively with respect to the production of confidential documents from the *Wal-Mart* litigation and do not require my intervention.
2. As stated on the record, in the interest of effecting the production of discovery to which no party to this litigation objects on grounds of relevance or burdensomeness, I will direct counsel for the defendants to produce all of the outstanding documents at issue from the *United States v. Visa* litigation. I do so anticipating that the parties to this litigation will thereupon seek appropriate relief in *United States v. Visa* that will permit the defendants to honor their discovery obligations in this case without violating their obligations in the other. Counsel for the defendants shall submit a proposed order to that effect by May 19, 2006.
3. At the next status conference I will address the status of securing the necessary third parties' consent to the production of confidential documents from the *First Data* litigation. Any third party to that litigation who has not consented to the production of such confidential documents in this action is invited to attend the conference. Counsel for the defendant shall promptly provide a copy of this order to any such non-consenting third party. By June 2, 2006, counsel for the defendants shall file a statement listing each non-consenting party that is not expected to attend the scheduled conference and the measures taken to date to secure that

party's consent. In addition, at the next conference, Visa must appear through counsel who is sufficiently familiar with the documents at issue and the relevant protective order so as to be able to address all issues that may arise.

SO ORDERED.

Dated: Central Islip, New York
May 17, 2006

/s/ James Orenstein
JAMES ORENSTEIN
U.S. Magistrate Judge